

could be interpreted, absent the enactment of section 305, as restricting intelligence activities that are otherwise entirely consistent with U.S. law and policy." The concern arises from an opinion issued in 1994 by the Office of Legal Council (OLC) of the Department of Justice. In that opinion, the Office interpreted the Aircraft Sabotage Act of 1984—a law implementing an international treaty on civil aviation safety—as applying to government personnel. Although the OLC opinion emphasized that its conclusions should "not be exaggerated" and also warned that its opinion "should not be understood to mean that other domestic criminal statutes apply to U[nited S[tates] G[overnment] personnel acting officially," the Central Intelligence Agency, out of an abundance of caution, wants to avoid cases in which legislation implementing a treaty might criminalize an authorized intelligence activity even though Congress did not so expressly provide. I understand the Agency's concern that clarity for its agents is important. At the same time, however, we should take care to specify how section 305 is intended to work.

One question is this: how do we tell when a Federal law actually "implements a treaty or other international agreement?" My working assumption, in supporting section 305, is that we will be able to tell whether a future law "implements a treaty or other international agreement" by reading the law and the committee reports that accompany its passage. If the text of that future law or of the committee reports accompanying that bill states that the statute is intended to implement a treaty or other international agreement, then section 305 is pertinent to that statute. If there is no mention of such intent in that future law or in its accompanying reports,

however, then we may safely infer that section 305 does not apply. Is that the understanding of the Select Committee on Intelligence, as well?

Mr. SHELBY. That is certainly our intent. If a future law is to qualify under section 305 of this bill, we would expect its status as implementing legislation to be stated in the law, or some other contemporaneous legislative history.

Mr. BIDEN. another question is how to tell that a U.S. intelligence activity "is authorized by an appropriate official of the United States Government, acting within the scope of the official duties of that official and in compliance with Federal law and any applicable Presidential directive." I am concerned that this could be misinterpreted to mean that some intelligence bureaucrat could authorize some otherwise illegal activity with a wink and a nod. It is not the intent of the Select Committee on Intelligence that there be written authorization for a U.S. intelligence activity?

Mr. SHELBY. I understand the concerns of the Senator from Delaware. We expect that in almost all cases intelligence operations exempted from future treaty-implementing legislation will have been authorized in writing. I would note however, that many individual actions might be authorized through general written policies, rather than case-specific authorizations.

Neither would I rule oral authorization in exigent circumstances. The Committee believes that intelligence agencies would be well advised to make written records of such authorizations, so as to guard against lax management or later assertions that unrecorded authorization was given for a person's otherwise unlawful actions. Such written records will also protect the government employees from allegations that their actions were not authorized.

Mr. BIDEN. My final question to the chairman of the Select Committee on Intelligence relates to how other countries may view section 305. I interpret section 305 as governing only the interpretation of a certain set of U.S. criminal laws enacted in the future and whether those laws apply to government officials. Is that also the understanding of the chairman of the Select Committee on Intelligence?

Mr. SHELBY. Yes, it is. Section 305 deals solely with the application of U.S. law to U.S. Intelligence activities. It does not address the question of the lawfulness of such activities under the laws of foreign countries, and it is in no respect meant to suggest that a person violating the laws of the United States may claim the purported authorization of a foreign government to carry out those activities as justification or as a defense in a prosecution for violation of U.S. laws.

Mr. BIDEN. I thank the distinguished chairman.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	\$600,351,000,000	\$592,809,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	928,138,000,000	934,583,000,000
Adjustments:		
General purpose discretionary	+1,956,000,000	+905,000,000
Highways		
Mass transit		
Mandatory		
Total	+1,956,000,000	+905,000,000
Revised Allocation:		
General purpose discretionary	602,307,000,000	593,714,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	930,094,000,000	935,488,000,000

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	\$1,526,456,000,000	\$1,491,530,000,000	\$11,670,000,000
Adjustments: Emergencies	+1,956,000,000	+905,000,000	-905,000,000
Revised Allocation: Budget Resolution	1,528,412,000,000	1,492,435,000,000	10,765,000,000

THE ELECTION OF VINCENTE FOX

Mr. LEAHY. Mr. President, on July 2, 2000, the people of Mexico elected Vicente Fox, candidate of the Na-

tional Action Party, to be their President. This election represents a dramatic change and a historic affirmation of democracy in Mexico. The inau-

guration of Mr. Fox later this year will end 71 years of PRI control of the Mexican Presidency.